



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 073-16
855 MIRAMONTE DRIVE
MODIFICATION
NOVEMBER 9, 2016

APPLICATION OF WILLIAM CHAPPELL, AGENT FOR STEPHEN BAY, 855 MIRAMONTE DRIVE, APN 035-050-038, E-1 (ONE FAMILY RESIDENCE) ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX. 3 DU/ACRE) (MST2015-00200)

The 30,298 square foot site is currently developed with a 2,600 two-story single-family dwelling with rear attached uncovered decks and an attached 400 square foot two-car garage. A permit was issued in 2015 for the addition of a 12' x 60' lap pool, spa, bocce court, exterior stairs, retaining walls, pergola and built-in outdoor kitchen, and fencing at an existing single-family residence. The project included alterations to an existing deck, wall, and columns, 100 cubic yards of grading to be balanced on site, and additional landscaping and site paving.

The discretionary application required for this project is an Interior Setback Modification to allow the two as-built decks to encroach within the required ten-foot interior setback (SBMC § 28.15.060 and SBMC § 28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Sections 15301 and 15305 (Existing Facilities and Minor Alterations in Land Use Limitations).

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor nor in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, November 3, 2016.
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer approved the subject application making the finding and determination that the Interior Setback Modification to allow the "as-built" decks, solid wall and columns within the interior setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The retention of the as-built decks is appropriate since these structures are not expected to detrimentally affect the adjacent neighbor to the east due to the topography and the existing distance to the closest neighboring residence. In addition, the solid wall with columns provides a privacy and noise buffer between the two properties.

This motion was passed and adopted on the 9th day of November, 2016 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Staff Hearing Officer at its meeting of the above date.



Jennifer Sanchez, Commission Secretary

11/10/16

Date

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for **Single Family Design Board (SFDB)** approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Modification shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
 - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
 - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
 - i. an Issuance of a Certificate of Occupancy for the use, or;
 - ii. one (1) year from granting the approval.